

On June 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30579. Misbranding of butter. U. S. v. Leo J. Jacobsen (The Roberts Creamery). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42556. Sample Nos. 19448-D, 19449-D.)

This product was short of the declared weight.

On September 28, 1938, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leo J. Jacobsen, trading as the Roberts Creamery, Roberts, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 5, 1938, from the State of Wisconsin into the State of Minnesota, of quantities of butter which was misbranded. The article was labeled in part: (One shipment) "Fancy Country Roll Butter"; (another shipment) "Johnson's Full Cream Butter * * * Packed By Roberts Creamery."

It was alleged to be misbranded in that the statement "One Pound Net," borne on the wrappers of a portion and on the cartons of the remainder, was false and misleading and was borne on said wrappers and cartons so as to deceive and mislead the purchaser, since they contained less than 1 pound net of the article. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 15, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

30580. Adulteration of walnut meats. U. S. v. Abraham Feld (American Food Exchange). Tried to a jury. Judgment of guilty. Fine, \$200. (F. & D. No. 42512. Sample Nos. 57726-C, 57727-C, 57728-C, 57729-C.)

This product was in large part wormy, rancid, and decomposed.

On February 10, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abraham Feld, trading as American Food Exchange, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 8, 1937, from the State of New York into the State of New Jersey, of a quantity of walnut halves and walnut pieces which were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, namely, walnuts which were wormy, rancid, and decomposed.

On March 14, 1939, the defendant having pleaded not guilty, the case was tried to a jury. The jury having failed to reach a verdict, the defendant was retried on May 2, 1939, a verdict of guilty was returned, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

30581. Adulteration of canned oysters. U. S. v. 98 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. & D. No. 45300. Sample No. 51537-D.)

This product contained sharp pieces of shell that were small enough to be swallowed and were capable of inflicting injury.

On May 10, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned oysters at Allentown, Pa.; alleging that the article had been shipped in interstate commerce on or about March 30, 1939, by Indian Ridge Canning Co., Inc., from Houma, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "St. Martin's Hand Opened Oysters Select * * * Distributed by St. Martin Oyster Co."

It was alleged to be adulterated in that shell fragments had been mixed and packed with it so as to reduce or lower its quality; in that an article containing shell fragments had been substituted in part for oysters; and in that it contained an added deleterious ingredient, oyster shell fragments, which might have rendered it injurious to health.